

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

TERRY NIXON,)
Plaintiff,)
v.) Case No.:
KINGDOM CARGO, LLC and)
JUAN MANUEAL DIAZ,)
Defendants.) JURY TRIAL DEMANDED

NOTICE OF REMOVAL

COMES NOW Defendant, Kingdom Cargo, LLC, by and through its attorneys, Roberts Perryman, P.C., and hereby files its Notice of Removal stating the following:

INTRODUCTION

1. A civil action has been commenced and is now pending the Circuit Court of Newton County, State of Missouri, Case No. 19NW-CV00032, wherein Terry Nixon is the Plaintiff and Kingdom Cargo, LLC and Juan Manuel Diaz are the Defendants.

2. This action is a civil action wherein Plaintiff has made claim for damages as a result of Defendants' alleged negligence in connection with a motor vehicle accident that occurred on January 18, 2018.

3. Defendant Juan Manuel Diaz has been served but has consented to this removal.

DIVERSITY OF CITIZENSHIP EXISTS

4. This action is a civil action, of which the United States District Courts have original jurisdiction pursuant to 28 U.S.C. § 1332, and is one which may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441, and this is a civil action proceeding involving diversity of citizenship.

5. Upon information and belief, Plaintiff Terry Nixon is a citizen of Wisconsin.
6. Defendant Juan Manuel Diaz is a citizen of Texas.
7. Defendant Kingdom Cargo, LLC is a Texas limited liability corporation with its principal place of business in the State of Texas. Defendant states that no member of the LLC is a citizen of Missouri. See Corporate Interest Disclosure Statement.

THE AMOUNT IN CONTROVERSY HAS BEEN SATISFIED

8. The amount in controversy exceeds \$75,000.00 exclusive of interest and costs. Because this is a personal injury action where Plaintiff claims damages for multiple bodily injuries including injuries to his brain, head, including closed orbital fracture, lacerations and face injuries, future medical, as well as property damage to Plaintiff's trailer, Defendant believes the amount in controversy shall exceed the minimum jurisdictional amount, whereas the amount in controversy requirement is satisfied. Further, Plaintiff will not agree to sign a stipulation that the damages will not exceed \$75,000.00.

NOTICE OF REMOVAL IS TIMELY

9. Less than thirty (30) days have elapsed since receipt of said initial pleadings by Defendant, Kingdom Cargo, LLC.

10. Defendant files herewith a copy of all process, pleadings, and order served upon it in this action. See *Exhibit A*.

WHEREFORE, Defendant, Kingdom Cargo, LLC prays the Court to accept its Notice for Removal, and make and enter such orders as may be necessary to effect the complete removal of this action from the Circuit Court of Newton County, State of Missouri, to the United States District Court for the Western District of Missouri, and that further proceedings be discontinued

in the State Court and all future proceedings be held in this Court, as the laws in such case provide.

Respectfully submitted,

ROBERTS PERRYMAN, P.C.

/s/ Ted L. Perryman

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing has been filed upon the Court's electronic filing system this 1st day of March, 2019 to:

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